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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JOHN GARRETT SMITH,

11 Petitioner,

12 v.

13 RONALD HAYNES,

14 Respondent.

CASE NO. 3:17-CV-06019-BHS-DWC

ORDER

15 The District Court has referred this action filed under 28 U.S.C. § 2254 to United States
16 Magistrate Judge David W. Christel. Currently pending in this action are Petitioner John Garrett
17 Smith's "Motion for Restoration of Relevancy of the Law," ("Motion for Restoration") "Motion
18 of Legal and Logical Clarification of Appeal (Filed in 9th Circuit Court on 2.1.18)," and "Motion
19 for Classification of Prior Filing as a 'Response' per LCR 7" ("Motion for Classification"). Dkt.
20 35, 39, 49.¹

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23 ¹ Petitioner has also filed an objection to the January 25, 2018 Report and Recommendation and a Motion
24 he titled Appeal of Order and of Misprision. Dkt. 37, 50. Both the objection and Motion are pending before the
Honorable Judge Benjamin H. Settle, the District Judge assigned to this case.

1 **I. Motion for Restoration (Dkt. 35)**

2 In the Motion for Restoration, Petitioner requests the Court enforce the law and release
3 him from custody. *See* Dkt. 35. Petitioner has filed several Motions requesting release from
4 custody and stating his state conviction is void and the state lacks jurisdictional authority over
5 him. *See* Dkt. 7, 10, 12-13, 16-18, 20, 22, 24, 27, 29-30. The Court entered a Report and
6 Recommendation, recommending Petitioner's Motions be dismissed because his request
7 mirrored the relief sought in his Petition and the Petition was not ready for the Court's
8 consideration. *See* Dkt. 34. The Court has also warned Petitioner that if he filed any duplicative
9 motion requesting the same relief as requested in a previously filed motion, the Court may strike
10 the motion as duplicative without additional comment. *See* Dkt. 33. The Court finds Petitioner is
11 requesting the same relief as requested in a several previously filed Motions. Therefore, the
12 Motion for Restoration (Dkt. 35) is denied because it is duplicative.

13 **II. Motion of Legal and Logical Clarification of Appeal (Dkt. 39)**

14 In the Motion of Legal and Logical Clarification of Appeal, Petitioner is clarifying Court
15 Orders he wishes to appeal. *See* Dkt. 39. Petitioner does not appear to request any relief from the
16 Court in this Motion. *See id.* Therefore, the Motion of Legal and Logical Clarification of Appeal
17 (Dkt. 39) is denied as moot.

18 **III. Motion for Classification (Dkt. 49)**

19 Petitioner filed the Motion for Classification stating the Motion for Emergency
20 Preliminary Injunction (Dkt. 46) is his response to Respondent's Answer. Dkt. 49. Petitioner
21 states that "[a]ll 48 pages" are provided as legal rebuttal to the Answer. *Id.* Petitioner again is not
22 asking for relief from the Court; therefore, the Motion for Classification (Dkt. 49) is denied as
23 moot. However, the Court directs the Clerk to re-name Docket 46 from Motion for Emergency
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1 Preliminary Injunction to Response to Answer. The Clerk is also directed to terminate the
2 pending motion for Docket 46.

3 Dated this 9th day of March, 2018.

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6 David W. Christel
7 United States Magistrate Judge
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